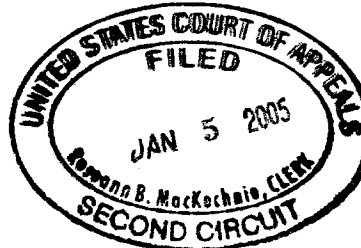


UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT  
THURGOOD MARSHALL U.S. COURT HOUSE  
40 FOLEY SQUARE  
NEW YORK 10007

Roseann B. MacKechnie  
CLERK

Date: 1/5/05  
Docket Number: 04-5998-cr  
Short Title: USA v. Grugan  
DC Docket Number: 04-cr-94  
DC: NDNY (ALBANY)  
DC Judge: Honorable Frederick Scull



U.S. DISTRICT COURT  
N.D. OF N.Y.  
FILED

CRIMINAL APPEALS SCHEDULING ORDER #1  
ADDRESS INQUIRIES TO (212) 857 - 8515

JAN 12 2005  
LAWRENCE K. BAERMAN, CLERK  
ALBANY

The Court having continued Paul Evangelista as counsel for the appellant, Thomas Grugan, pursuant to the Criminal Justice Act and noting that the notice of appeal was filed on 11/03/2004

IT IS FURTHER ORDERED that the court reporter shall file with the Clerk of the District Court within 30 days from receipt of the transcript order those transcripts ordered pursuant to FRAP 10(b)(1). Any motions by the court reporter to extend the time to file the transcripts shall be made not less than 7 days before the transcripts are due, unless exceptional circumstances exist.

IT IS FURTHER ORDERED that counsel shall forward a copy of any amend-ment, correction, or supplement to the initial transcript order to this court and the the Clerk of the District Court forthwith.

IT IS FURTHER ORDERED that within 10 days of the filing of the notice of appeal, counsel shall take such steps as may be necessary to enable the Clerk of the District Court to assemble and prepare the record and index for transmission. The index to the record on appeal, a certified copy of the docket entries, and the clerk's certificate shall be filed before 01/31/2005 . The documents constituting the record which shall not be transmitted until requested by this Court, but will be required within 24 hours of such request.

IT IS FURTHER ORDERED that ten (10) xerographic copies of the appellant's brief and joint appendix be served and filed on or before 03/02/2005 .

IT IS FURTHER ORDERED that if such brief or joint appendix is not filed by the date set, the appeal shall be dismissed forthwith.

IT IS FURTHER ORDERED that the appendix, in addition to whatever also it includes, shall include copies of the District Court docket entries, the indictments, the charge to the jury, the judgment of the convictions and opinion of the court below; and

IT IS FURTHER ORDERED that the United States shall serve and file ten (10) copies of its brief on or before **04/01/2005**, except that a response to a brief filed pursuant to Anders v. California, 386 U.S. 738 (1967) shall be served and filed in lieu of a brief by not later than **03/16/2005**.

IT IS FURTHER ORDERED that any counsel appointed pursuant to the Criminal Justice Act shall submit a completed voucher (CJA-20) by not later than 45 days after final disposition of the appeal.

IT IS FURTHER ORDERED that the United States may, without further order of the court, file 10 copies of an appendix to its brief.

IT IS FURTHER ORDERED that the argument of the appeal shall be heard no earlier than the week of **05/16/2005**, except that an appeal in which an Anders brief has been filed shall be ready to be heard immediately following the receipt of the response of the appellee. All counsel should immediately advise the Clerk by letter of the dates thereafter that they are unavailable for oral argument. The time and place of oral argument shall be separately noticed by the Clerk to counsel.

By: 

Ralph Obas

Deputy Clerk, USCA

Dated: 1/5/2005